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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,689	07/25/2003	Jean-Paul Artis	240361US2CONT	9433
22850	7590	10/08/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				AVERY, BRIDGET D
ART UNIT		PAPER NUMBER		
3618				

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	10/626,689	Applicant(s)
Examiner	Art Unit	
Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/25/03</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

1. The Information Disclosure Statement filed by applicant on July 25, 2003 is acknowledged and has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Landerretche (US Patent 5,568,797).

Landerretche teaches a device for operating a cruise control system for a vehicle including: means for separating a travel of the accelerator pedal (3) into two parts, depression of the pedal (3) being less in the first travel part than in the second travel part, depressing the pedal (3) in the first travel part engaging the cruise control system, a pull back force of the pedal (3) being smaller in the first travel part than in the second travel part (as described in column 5, lines 41-45); the second travel part controls the acceleration of the vehicle; the means for separating the travel of the accelerator pedal (3) into two parts includes a first support (top face/upper surface of pedal) forming an upper face of the accelerator pedal (3) and a second support (2) rigidly linked to an arm of the accelerator pedal (3) whose motion activates the acceleration of the vehicle, the first support being mobile with respect to the second support (2) according to a pull-

back force smaller than a pull back force associated with the arm; the pull back force of the first support is created by at least one pull back spring (20) placed between the first and second supports to hold the first support upward when there is no pressure exerted by the driver on the first support; a sensor (23) placed between an inner/bottom face of the first support and the second support (2), the sensor (23) creating a piece of information to start up the system by detection of motion of the first support with respect to the second support (2); and the first support is extended perpendicularly towards the second support (2) to guide its motion with respect to the second support (2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landerretche ('797) in view of Tomecek (US Patent 4,123,284).

Landerretche teaches the features described above.

Landerretche lacks the teaching of a push button selector switch.

Tomecek teaches a push button selector switch (32) positioned on an electronic control unit (10) near the accelerator pedal (20). See column 4, lines 1-6.

Based on the teachings of Tomecek, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the device of

Art Unit: 3618

Landerretche to include a push button switch system at an electronic control unit positioned near the accelerator pedal to make the controls readily accessible to the driver, as taught in column 3, lines 13-19.

Conclusion

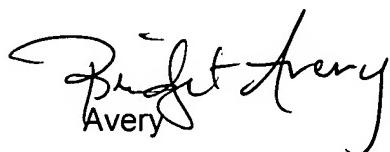
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamada shows a throttle control apparatus.

Riddel shows a dump valve assembly.

Ishikawa shows an automatic constant speed driving system for automobiles.

5. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.



September 30, 2004



CHRISTOPHER P. ELLIS
SUPPLYING PATENT EXAMINER
TECHNOLOGY CENTER 3600